

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CREATIVE GIFTS, INC., FASCINATIONS
TOYS & GIFTS, INC., and WILLIAM HONES,

Plaintiffs,

vs.

Civ. No. 97-1266 LH/WWD

UFO, MICHAEL SHERLOCK, and
KAREN SHERLOCK,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiffs' Emergency Motion to Compel Deposition of Defendants Michael and Karen Sherlock on April 28, 1998 [docket no. 54]. The motion is well supported with exhibits indicating that Defendants agreed to the time of the depositions in their letter of March 27, 1998, and that timely notice of those depositions was mailed to Defendants. The documents attached to the motion also show that by their letter of April 17, 1998, Defendants indicated that they now are unwilling to attend the taking of their depositions on April 28, 1998. Defendants' response does not satisfactorily address the documented allegations made in Plaintiffs' motion. Defendants should appear at their scheduled depositions on April 28, 1998. I shall defer consideration of any question of sanctions in connection with the instant motion.

WHEREFORE,

IT IS ORDERED that Defendants Michael and Karen Sherlock shall appear for the taking of their depositions commencing at 9:00 a.m. on April 28th, 1998, at Room 10411B, United States Courthouse, 500 Gold Avenue, SW, Albuquerque, New Mexico.


UNITED STATES MAGISTRATE JUDGE